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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,255	01/22/2002	Shosei Kawashima	MAT-8164US	6470
7590	11/29/2005		EXAMINER	
Lawrence E. Ashery Ratner & Prestia PO Box 980 Suite 301 One Westlake Berwyn Valley Forge, PA 19482-0980			BELLO, AGUSTIN	
			ART UNIT	PAPER NUMBER
			2633	
			DATE MAILED: 11/29/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/937,255	KAWASHIMA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Agustin Bello	2633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 04 November 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-10 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/04/05 has been entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Young (U.S. Patent No. 6,567,011).

Regarding claims 1, 5, 9, and 10 Young teaches a plurality of keys closing switch contacts (reference numeral SXX in Figure 15B) corresponding thereto when pressed down; a microcomputer (reference numeral U1 in Figure 15B) coupled to said keys for generating a remote-control signal in response to pressing each of said keys; and a transmission circuit (reference numeral IR1 in Figure 15A) coupled to said microcomputer for transmitting a remote-control signal, wherein the microcomputer is operable to: be shifted to a test mode when a specific key of said keys is pressed (e.g. “Mode <>Magic>>” of column 9 lines 9-23); store (via

ROM in U1 of Figure 15B and described in column 12 lines 65-67) an indication of closing of said keys and their associated contacts responsive to respective depression of said keys after the test mode is initiated (e.g. storing “4-4-3” of column 9 lines 9-23); and transfer the indication of closing of said keys to said transmission circuit (e.g. blinking LED of column 9 lines 9-23) by delaying transfer (e.g. 0.5 second delays of column 9 lines 9-23) of said indications until said testing is completed (e.g. release of each key “1” in column 9 lines 9-23).

Regarding claims 2, 4, 6, and 8, Young teaches that said transmission circuit transmits the signal as one of an infrared ray signal (via IR1 in Figure 15A) and a radio signal.

Regarding claims 3 and 7, Young teaches that the remote-control test signal additionally carries an identification signal of said microcomputer (e.g. “unique IR data output” of column 8 lines 52-65).

#### *Response to Arguments*

4. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection. The examiner has reviewed the new claim language and has determined that the cited art continues to read on the claimed invention. To explain, pressing a mode key (e.g. TUNER, CD, TAPE, etc.) in conjunction with the “Magic” key shifts the remote control from a normal operating state into a test mode. Once in this test mode, the remote control looks for and stores a particular sequence of keys (e.g. “4-4-3” “4-4-2” “4-2-1” “4-2-2” “4-1-2” “4-4-1”). After the key sequence “4-4-3” has been keyed and stored, the remote control further stores an indication that the “1” key was pressed. At this point, more than one and in fact four indications (e.g. 4, 4, 3, and 1) of closing of said contacts have been stored. Next, a 0.5

second delay is exhausted before the indications and the device ID code are transferred to the transmission circuit for "blink out" of the ID code associated with the "1" key.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Agustin Bello whose telephone number is (571) 272-3026. The examiner can normally be reached on M-F 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571)272-3022. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AB



AGUSTIN BELLO  
PRIMARY EXAMINER